IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3702 OF 2005

Reena Subhash Ganguly ...Applicant

V/s.

The State of Maharashtra ...Respondent

Shri. Abad H.H. Ponda for the Applicant.
Shri. K.V. Saste A.P.P. for the Respondent.

CORAM : A.S. OKA, J.
DATED : JULY 06, 2005.

P.C.:

1. Heard Counsel appearing for the parties. On 8th December, 2004 the Applicant who is a woman was arrested in connection with C.R.No.363 of 2004 for the offences punishable under sections.363, 366(a), 372, 373, 376, 342, 34 of the Indian Penal Code. It is not in dispute that chargesheet has been filed after completion of the investigation.

2. At the outset, the learned Counsel appearing for the Applicant submitted that till conclusion of the trial the Applicant is ready and willing to stay away from Mumbai and the Applicant has acquired a residential premises on a Leave and Licence basis from M/s.Samarth Enterprises at Tuljabhavani Apartments, Yashwant Nagar, Talegaon, District Pune.

3. The Application made by the Applicant for bail before the Sessions Court has been rejected mainly on

the ground that there are three other offences registered against the Applicant. The learned Counsel for the Applicant submitted that admittedly in the present case the girl who is stated to be the alleged victim is over the age of 18 years and the said girl was found habituated to sexual intercourse. He submitted that there is nothing to show that the Applicant forced her in the prostitution business and offence under PITA Act is not attracted. He submitted that the Applicant has been falsely implicated.

4. Learned A.P.P. submitted that the Applicant is involved in similar offences and as the Applicant is a habitual offender, the learned Sessions Judge has rightly rejected the Application for bail made by the Applicant.

5. The learned A.P.P. stated that on the last date the learned Counsel appearing for the Applicant disclosed the prosposed place of residence of the Applicant at Tuljabhavani Apartment, Talegaon. He stated that the concerned Police Officer has made inquiry and has found from the owner of the premises that the premises have been acquired by the Applicant under the Leave and Licence Agreement dated 28th June, 2005 executed in the name of one Vishal. The Counsel for the Applicant stated that said Vishal is a nephew

of the Applicant.

6. The Applicant who is a woman is in custody from December 2004. Chargesheet has been filed long back. There is some material to show complicity of the Applicant. However, Applicant being a woman after investigation is complete is entitled to be enlarged on bail, especially, when she has offered to stay away from Mumbai till the conclusion of the trial. Trial is not likely to conclude in the near future.

7. Therefore, the Applicant is entitled to be enlarged on bail subject to compliance with stringent conditions. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail connection with C.R. No. 363 of 2004 of D.B. Marg Police Station, subject to furnishing a personl bond of Rs.25,000/- with two local sureties in the like amount.

ii) The bail is granted subject to condition that the Applicant shall not enter in the city of Mumbai and will continue to stay at Talegaon, District Pune till the conclusion of the trial except for attending

to the cases pending against her. The Applicant will record her attendance in the local Police Station once a week.

iii) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act upon an authenticated copy of this order.

JUDGE